

REMARKS

Applicants respectfully request consideration of the subject application.

This Response is submitted in response to the Office Action mailed December 31, 2007. Claims 1, 4, 5, 8, 11-19, 21, 22, 24-26, 31-37, 45-51, 54-60, 72, 74, 78-82 are pending. Claims 1, 4, 5, 8, 11-19, 21, 22, 24-26, 31-37, 45-51, 54-60, 72, 74, 78-82 are rejected. In this Amendment, claims 1, 31, 45, 56, 58, 72 and 74 have been amended and claims 4, 5, 57 and 59 have been cancelled. No new matter has been added.

35 U.S.C. §§ 102 and 103 Rejections

The Examiner has rejected claims 1, 4-5, 8, 11-14, 16, 18-19, 21-22, 31, 33, 35, 45, 48-50, 54-58, 60, 72, 74, 78-81 under 35 U.S.C. § 102(a) as being anticipated by Thomas, (U.S Patent No.: 6,128,663, hereinafter "Thomas"). The Examiner has rejected claims 17, 24, 25-26, 38, 46, 51, 59, 82 under 35 U.S.C. § 103(a) as being unpatentable over "Thomas" in view of Official Notice.

The Examiner points to Thomas's teaching that the retrieved page can be customized in accordance with a demographics identifier and that the examples of customization include adding a greeting, selecting an appropriate variant page and selecting an appropriate advertisement to display.

Thomas, however, fails to describe a message that is displayed separate from the advertisement, but is on the same page as the advertisement, the message being related to the advertisement and based on targeting criteria and personal information, as required by claim 1.

Similarly, Thomas fails to describe selecting one of the messages based on personal information and targeting criteria, the message being thematically related to the advertisement, and serving the message separate from the advertisement, but on the same page as the advertisement, as required by claim 31.

Similarly, Thomas fails to describe serving a message that is related to the advertisement on the same page as the advertisement, but separate from the advertisement, if targeting criteria associated with the message is met, as required by claim 45.

Similarly, Thomas fails to describe causing a message to be displayed proximal to an advertisement, the message being associated with the advertisement, if targeting criteria associated with the message is met, as required by claim 54.

Similarly, Thomas fails to describe causing a message to be displayed proximal to the advertisement on the web page, the message being thematically related to the advertisement and based on personal information, as required by claim 56.

Similarly, Thomas fails to describe causing a message to be displayed in proximity to an advertisement on a web page, the message being tailored based on personal information and targeting criteria, as required by claim 58.

Similarly, Thomas fails to describe a system that can serve a message in proximity to an advertisement, the message being associated with the advertisement and based, at least in part, on personal information, as required by claim 72.

Similarly, Thomas fails to describe an apparatus that includes means for transmitting a customized message, the message being associated with the advertisement and based on personal information, the message being displayed in proximity to the advertisement on the same world wide web page, as required by claim 74.

Instead, Thomas merely describes displaying a greeting based on the demographic information and selecting an advertisement based on the demographic information. Thomas does not describe serving a greeting that is both related to the advertisement and selected based on targeting criteria and/or personal information of the user. Thus, Thomas fails to describe the combination of a message that is both related to an advertisement and based on personal information.

In contrast, embodiments of the presently claimed invention serve a message that is related to the advertisement and displayed on the same page as

the advertisement, and that is also customized for a specific user and/or a specific external event.

The message may be displayed on the web page to direct attention to another advertisement on the web page. Thus, there is a common or related theme between the message and the advertisement to allow the message to be displayed in a way to direct attention to the advertisement on the web page. As a result, the success of the advertisement increases. This advantage is not taught or suggested by Thomas.

Furthermore, Applicants disagree that it is well known to place a message proximal to an advertisement or within an advertisement to bring the user's attention to the advertisement. Applicants request the Examiner cite a reference to support the Examiner's assertion.

Applicants submit that the proximal placement of the message that is related to an advertisement and based on personal information and/or targeting criteria is not described in the prior art.

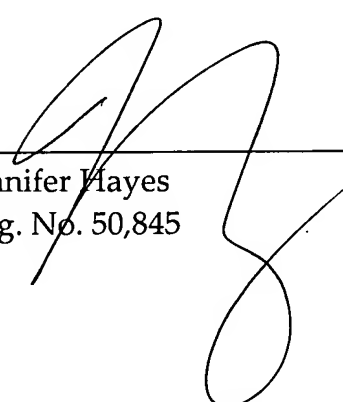
Thus, the cited art fails to teach or suggest all of the limitations of independent claims 1, 31, 45, 54, 56, 58, 72 and 74. Claims 8, 11-14, 16, 18-19, 21-22, 33, 35, 37, 46, 48-50, 55, 60 and 78-82 depend, directly or indirectly, from one of the foregoing independent claims. Applicants, accordingly, respectfully request withdrawal of the rejections under 35 U.S.C. § 102 and § 103.

Applicants respectfully submit that the present application is in condition for allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Jennifer Hayes at (408) 720-8300.

Please charge any shortages and credit any overages to Deposit Account No. 02-2666. Any necessary extension of time for response not already requested is hereby requested. Please charge any corresponding fee to Deposit Account No. 02-2666.

Respectfully submitted,
Blakely, Sokoloff, Taylor & Zafman LLP

Date: 3-31-08



Jennifer Hayes
Reg. No. 50,845

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
(408) 720-8300